

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED
JUL 12 2013
3041
CR

CENTRAL DIVISION

UNITED STATES OF AMERICA, * CR. 13-30079-RAL

*

Plaintiff, *

*

*

-vs-

* REPORT AND RECOMMENDATION
* FOR DISPOSITION OF DEFENDANT'S
* MOTION TO SUPPRESS STATEMENTS

*

Defendant. *

*

Defendant, Jeryn Big Eagle has filed a Motion to Suppress Statements, Docket No.

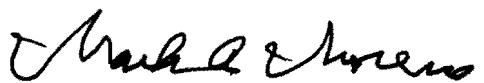
20. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the July 12, 2013 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part.

Defendant's initial statements to Officer Dupris may not be used or referred to in the Government's case-in-chief at trial, but may be admissible, if found to be voluntary, as impeachment evidence in the event he testifies. His later statements, made to Officer Jamerson, are fully admissible at trial.

Dated this 12th day of July, 2013, at Pierre, South Dakota.

BY THE COURT:



MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within fourteen (14) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).